

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAURA JOHNSON	:	
<i>Plaintiff,</i>	:	
v.	:	No. 02-CV-3586
	:	
CENTRAL BUCKS SCHOOL DISTRICT	:	CIVIL ACTION
<i>Defendant,</i>	:	

**DEFENDANT, CENTRAL BUCKS SCHOOL DISTRICT’S
ANSWER TO PLAINTIFF’S COMPLAINT WITH AFFIRMATIVE DEFENSES**

AND NOW, comes the Defendant, Central Bucks School District (hereinafter, referred to as “District”), to present the following Answer to Plaintiff’s Complaint with Affirmative Defenses:

1. Admitted.
2. Denied. By way of further denial, the District is unincorporated, local government agency of the Commonwealth of Pennsylvania, with a place of business located at 16 (sixteen) Welden Drive, Doylestown, Pennsylvania 18901.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted.
10. Denied.

11. Admitted in part, denied in part. It is admitted that on or about June 12, 1999, Plaintiff submitted an application to the District for the safety/security monitor position. All remaining allegations in paragraph eleven (11) are denied.

12. Denied. It is denied that Plaintiff interviewed for the safety/security monitor position on two (2) different occasions on July 22, 1999. By way of further clarification, on July 23, 1999, Plaintiff interviewed with Mr. Keith Kinyon and Mr. Theodore Marcinko, Assistant Principals at the Central Bucks West High School, for the safety/security monitor position. Further, it is denied that on July 23, 1999, Plaintiff interviewed with Mr. Rodney Stone, Principal of the Central Bucks West High School, for the position. Plaintiff interviewed with Mr. Stone, Mr. Keith Kinyon, and Mr. Theodore Marcinko on August 4, 1999.

13. Admitted in part, denied in part. It is admitted that on or about August 25, 1999, the Plaintiff and her union representative, Phil Lainger, met with Mr. Stone to discuss the reasons that she was not selected for the safety/security monitor position. It is denied that Mr. Marcinko attended the meeting between Mr. Stone, Mr. Lainger, and the Plaintiff.

14. Admitted.

15. Denied.

16. Admitted in part, Denied in part. It is admitted that Mr. Richard Rohmiller, the selected candidate for the safety/security monitor position, had no background or experience in law enforcement activities, and that he was a new hire of the District. It is denied that Mr. Rohmiller had no experience performing the job functions of the safety/security monitor position.

17. Denied.

18. Denied.

19. The District incorporates herein its responses to Paragraphs one (1) through eighteen (18) of Plaintiff's Complaint.

20. Denied.

21. Denied.

22. Denied.

23. The District incorporates herein its responses to Paragraphs one (1) through twenty-two (22) of Plaintiff's Complaint.

24. Denied.

25. Denied.

26. Denied.

27. The District incorporates herein its responses to Paragraphs one (1) through twenty-six (26) of Plaintiff's Complaint.

WHEREFORE, the Defendant, Central Bucks School District, respectfully requests that this Honorable Court enter judgment in its favor and against the Plaintiff, and grant all other relief to which it may be entitled.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

To the extent that Plaintiff's Complaint fails to state claims upon which relief can be granted against the District those claims should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed and refused to mitigate damages.

THIRD AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which the relief of damages for pain, suffering or emotional distress can be granted.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's causes of action should be dismissed to the extent that they are barred by laches, waiver or the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

The District has legitimate, non-discriminatory reasons for all actions taken against Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to punitive damages.

RESERVATION OF DEFENSES

The District shall rely upon such further affirmative defenses that may become apparent during the course of discovery and therefore specifically reserves the right to amend this Answer with Affirmative Defenses to assert the same.

Respectfully submitted:

SWEET, STEVENS, TUCKER & KATZ LLP

Date: October 9, 2002

By: _____
Ellis H. Katz, Atty I.D. No. 34835
Jason R. Wiley, Atty I.D. No. 79874
Peter J. Solnick, Atty I.D. No. 87061
331 Butler Avenue, P.O. Box 5069
New Britain, Pennsylvania 18901
215-345-9111
Attorneys for Defendant,
Central Bucks School District

VERIFICATION

I, Jason R. Wiley, Esquire, attorney for Defendant, Central Bucks School District, hereby verify that the facts set forth in the foregoing Answer to Plaintiff's Complaint with Affirmative Defenses are true and correct to the best of my knowledge, information and belief and understand that any false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

SWEET, SWEET, TUCKER & KATZ LLP

Date: October 9, 2002

By: _____
Jason R. Wiley, Esquire
Attorney I.D. #79874

Attorney for Defendant,
Central Bucks School District

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAURA JOHNSEN,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 02-CV-3586
	:	
	:	(Brody)
CENTRAL BUCKS SCHOOL DISTRICT	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Ellis H. Katz, Esquire, counsel for Defendant, CENTRAL BUCKS SCHOOL DISTRICT, hereby certify that a true and correct copy of the foregoing Answer to Plaintiff's Complaint with Affirmative Defenses was forwarded to the following counsel at the following address, via U.S. Mail on this date:

SIDNEY L. GOLD, ESQUIRE
Lovitz & Gold, P.C.
Eleven Penn Center, Suite 515
1835 Market Street
Philadelphia, Pennsylvania 19103

SWEET, STEVENS, TUCKER & KATZ LLP

Date: October 9, 2002

By: _____
Ellis H. Katz, Attorney I.D. No. 34835
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